

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**PROCAPUI-PRODUTORES de CAMAROES de  
ICAPUI LTDA.**

Plaintiff,

07 Civil Action  
File No. 6627-BSJ

v.

**MARCIAL GERALD LAYANI, G. F. HIGGINS,  
INC., THERESA HIGGINS, as Executrix of  
THE ESTATE OF GERALD FRANCIS HIGGINS,  
THOMAS HIGGINS, ROBERT HIGGINS,  
RICHARD RUBIN and NOEL BLACKMAN,**

Defendants.

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**DECLARATION OF  
MARCIAL  
GERALD LAYANI**

**MARCIAL GERALD LAYANI**, declares the following under penalty of perjury under the laws of the United States of America:

1. I am the person named as a Defendant in the above action although I have not been served with any process nor have I appeared or otherwise waived service of process. No appearance or waiver of any kind is intended by signing this declaration.
2. I make this declaration on my own knowledge so the Court will know the facts regarding my residence and domicile.
3. I understand the Complaint in this action alleges that I am a citizen of the United States and a resident of the State of New York. This is only partly true. I *am* a citizen of the United States but I *am not* any longer a resident of New York

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or of any other place in the United States. In July, 2001 I became a permanent resident of Brazil. I file my income tax returns in Brazil. I have moved out of my home in the U.S. and no longer maintain any residence in the U.S. I have no plans or present intention of returning to the U.S. to live. I have not visited the United States since March, 2003 and, before that, not very often.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 13<sup>th</sup>, 2007



MARCIAL GERALD LAYANI

A handwritten signature in black ink, appearing to read "MARCIAL GERALD LAYANI". The signature is somewhat stylized and includes a flourish at the end.